

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

**WALTER L. MCINTOSH and
DANIEL W. DUMONT,**

Plaintiffs,

v.

3:10-cv-886

MORGAN & STANLEY, et al.,

Defendants.

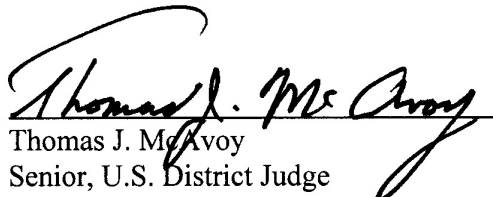
THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

By Order dated March 19, 2013, the Court allowed Plaintiffs¹ sixty days to take meaningful action to prosecute this matter. Plaintiffs' filed an untimely response dated May 28, 2013. In any event, the letter did not demonstrate a sufficient reason for failing to pursue arbitration. While the Court is sympathetic to Plaintiffs' situation, the Court finds that, for the reasons stated in the prior Order and because Plaintiffs have been afforded sufficient notice and failed to take meaningful action to prosecute this matter, this matter must be DISMISSED pursuant to Fed. R. Civ. P. Rule 41(b).

IT IS SO ORDERED.

Dated: July 2, 2013


Thomas J. McAvoy
Senior, U.S. District Judge

¹ The Order was addressed to Daniel Dumont, noting that Mr. McIntosh's claims must be prosecuted by someone with the legal authority to do so. No representation on behalf of Mr. McIntosh has been brought to the attention of the Court.